

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

William E. Bartlett,)	
)	CASE NO. 5:12 CV 1366
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION AND</u>
)	<u>ORDER</u>
Officer Daniel R. Harless, et al.,)	
)	
Defendants.)	

The Court referred this case to Magistrate Judge Kathleen Burke for mediation. ECF 19. The mediation was successful and a status report filed by the City of Canton reflects that the terms of the settlement have been fulfilled by the defendant. ECF 23. However, no dismissal entry has been filed by plaintiff. Magistrate Judge Burke has filed a Report and Recommendation that the Court enter an order finding that the case has been settled and dismissing the case with prejudice. ECF 24.

Under the relevant statute:

[T] magistrate judge shall file [her] proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

(5:12 CV 1366)

Plaintiff has not filed an objection to Magistrate Judge Burke's Report and Recommendation. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same.

Accordingly, the Court finds that this case has been settled by the parties and is dismissed with prejudice. This case is closed.

IT IS SO ORDERED.

January 31, 2013
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge